

**COTTAGE CITY COMMISSION  
TOWN OF COTTAGE CITY**

**EMERGENCY ORDINANCE NO. 2018-09**

**AN EMERGENCY ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF THE TOWN OF COTTAGE CITY BY PROVIDING FOR AND REQUIRING THE USE OF TOWN-PROVIDED ROLLING TRASH CANS, AND SETTING CERTAIN CONDITIONS FOR THE USE OF SUCH TRASH CANS, FOR BULKY TRASH COLLECTION, AND FOR LEAF COLLECTION AND PROVIDING CERTAIN PENALTIES IN THE FORM OF A MUNICIPAL INFRACTION.**

Introduced by: Commissioner Young, Ward 1 Commissioner

**WHEREAS**, the Chapter 3 of the Town Code of Ordinances regulates the use of garbage containers, storage of rubbish, refuse, stacking of materials, accumulation of trash, inspection of premises, trash collection, leaf pickup, and prescribes certain violations of said Chapter; and

**WHEREAS**, the Town of Cottage City has recently purchased new wheeled trash cans with tight-fitting lids for all the people of the Town who receive Town trash pick-up, for the purpose of better protecting the health and environment of all in the community, deterring rodents, and improving the overall quality of life in the Town; and

**WHEREAS**, it is desirable that these trash cans be used in a manner to further the purposes of their purchase; and

**WHEREAS**, for the health, safety and welfare of the Town it is deemed appropriate to expeditiously and without further delay to make certain changes to Chapter 3 to reflect actual current requirements relating to garbage and trash collection; and

**WHEREAS**, pursuant to Section 15 of the Town Charter, in cases of emergency the provision that an ordinance must be passed not less than six (6) nor more than sixty (60) days after the meeting at which it was introduced may be suspended by the affirmative votes of four members of the Commission.

**SECTION 1.**

**NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE COTTAGE CITY COMMISSION**, that the Code of the Town of Cottage City as amended herein below is hereby enacted, adopted, revised and amended such that said Code and the provisions of said Code and particularly the new provisions of Chapter 3 (Garbage and Trash Collection) thereof shall henceforth read as follows:

**CHAPTER 3**

**GARBAGE AND TRASH COLLECTION**

Underlined	:	Indicate matter added to existing law	Page 1 of 6
[Brackets]	:	Indicate matter deleted from existing law	
Asterisks * * *	:	Indicate that text is retained from existing law but omitted herein.	

### Section 3-6. Accumulation of Trash.

It shall be unlawful for any person to place, leave, dump, or permit to accumulate any garbage, rubbish or trash in any building or on any premises so that the same shall or may afford food or harborage for rats or insects, or shall or may afford breeding places for insects.

### Section 3-7. Inspection.

All ~~[premises]~~ property within the corporate limits of the Town of Cottage City may be ~~[inspected]~~ viewed periodically for compliance with the requirements of this ordinance by the police or code enforcement officials of the Town of Cottage City, to the extent permitted under the Fourth Amendment to the U.S. Constitution.

### Section 3-8. Trash Collection.

No person shall deposit trash or debris of any kind or nature, whatsoever, on any public property within the Town of Cottage City except in compliance with this ordinance.

### Section 3-9. Regular Trash Collection.

All residents of the Town of Cottage City are hereby authorized to deposit household trash and debris on the public right-of-way, at the curb line or property line, easily accessible from the street, where trash pickup normally occurs by the designated contractor of Cottage City nearest their place of residence on the days of the week designated by the Town Commissioners for a regular trash collection. Items to be collected shall be placed prior to 6:00 A.M. on the scheduled collection day but no earlier than 2:00 P.M. of the day preceding the day of the week designated by the Town commissioners for regular trash collection. Except as further provided in this Chapter 3, such household trash shall not include any item too bulky to be included in a standard trash can, nor shall automobile parts, building materials, dirt or any such other matters not within the ordinary meaning of the term household trash be deposited for regular trash pickup. Except for bulky trash, yard debris (grass, clippings, leaves, etc.) that has no food or garbage in it must be stored in ~~[plastic]~~ paper bags or containers. ~~[No paper bags of any kind may be used except for disposing of newspapers.]~~ Empty cardboard boxes may be put out without bagging them. Christmas trees may be placed out on the public right-of-way as a part of regular trash pickup without being cut to size or containerized in any way. All other trash that is not recyclable must be contained in a metal or plastic trash can with a tightly fitting metal or plastic lid to keep animals out of it. In the event reusable containers are used, the resident shall bring such containers back onto their premises from the public right-of-way within twenty-four (24) hours after the containers have been emptied by the trashmen. Any resident desiring to place trash out earlier than the above time on a regular basis must apply to the ~~[commissioners]~~ Town Manager of the Town of Cottage City for such permission. The ~~[town commissioners]~~ Town Manager may only grant such permission after considering the special circumstances put forward by the resident or owners and weighing that against the Town's interest in having the Town free of trash and debris on public property. The decision of the ~~[town commissioners]~~ Town Manager is final.

### Section 3-10. Bulky Trash Collection.

<u>Underlined</u>	:	Indicate matter added to existing law	Page 3 of 6
<del>[Brackets]</del>	:	Indicate matter deleted from existing law	
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contractor nearest their residences on those days designated for leaf pickup by the Commissioners of the Town of Cottage City. The leaves must be bagged in paper bags.

Section 3-13. Violations.

Any violation of this Chapter shall be deemed a municipal infraction and shall be punished by a fine of \$50 for an initial offense and \$100.00 for each repeat offense. Each day any violation continues shall be a separate offense.

\* \* \*

**SECTION 2.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that severability is intended throughout and within the provisions of this Ordinance, and if any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

**SECTION 3.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that this Ordinance shall be codified and included within the Code of the Town of Cottage City.

**SECTION 4.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that this Ordinance shall become effective immediately following its passage.

**SECTION 5.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that a fair summary of this Ordinance shall be published at least once within ten days after the date of passage in a newspaper or newspapers having general circulation in the Town.

**SECTION 6.**

**AND BE IT FURTHER ORDAINED AND ENACTED**, that the Commissioner-Chairman shall be authorized to sign this Ordinance on behalf of the Commission.

**HAVING BEEN INTRODUCED AND HAVING BEEN READ** as an emergency ordinance and passed by a yea and nay vote of the Cottage City Commission with the affirmative votes of at least four (4) of the whole number of members elected to the legislative body as indicated below at a Public Meeting of the Town of Cottage City held on this 11<sup>th</sup> day of July 2018, at 7 o'clock p.m., in the Town Hall in Cottage City, Maryland.

### Section 3-1. Definitions.

- (1) Waste refers to all unwanted materials, including liquid and solid waste materials.
- (2) Refuse refers to all solid waste and includes garbage and rubbish.
- (3) Garbage refers to the unwanted organic refuse, largely foods, either unconsumed or spoiled, and organic waste from the processing of foods, containing natural moisture, but no ~~[and a minimum of]~~ free liquids.
- (4) Rubbish is all other types of refuse, other than garbage.

### Section 3-2. Garbage Containers.

It is hereby ordained and required that within the corporate limits of the Town of Cottage City all garbage and any refuse consisting of waste animals or vegetable matter upon which insects and rats may feed, or in which insects may breed, and all small dead animals, shall be placed and stored until collected, in rust resistant, tight, non-absorbent, and easily washable receptacles which are covered with close fitting lids. For all homes that receive Town trash pick-up, the only trash cans to be used for garbage and refuse as described in the previous sentence shall be rolling trash cans with tight-fitting lids, which shall be distributed, by number, to each home receiving Town trash pick-up. Other trash cans may be used for yard waste, but shall not be used for refuse or garbage. Lids shall remain closed at all times, except when depositing refuse and garbage into the cans. ~~[These receptacles must be of adequate capacity (10 or 20 gallon), and must be provided in sufficient number to hold all collectible garbage and refuse that accumulates between collections.]~~ All cans shall be washed occasionally, and treated with disinfectant, if necessary, to prevent odors from being a nuisance. Additional rolling trash cans may be purchased from the Town for the market rate, with associated costs. Damaged trash cans may be repaired or replaced upon request. Missing trash cans may be cause for charging a replacement fee.

### Section 3-3. Storage of Rubbish.

All rubbish shall be stored in covered containers between collections except in the case of large articles, such as logs. Such large articles should be cut into sections not to exceed three feet in length and placed at the street curb for collection.

### Section 3-4. Refuse.

No refuse whatsoever shall be allowed to accumulate on any premises or vacant lot except in covered containers as described above. If garbage and rubbish are not collected separately, they may be kept in one or more containers as described in Section 3-2 and 3-3 above. In such cases the household garbage shall be drained and wrapped before placing in containers. If garbage and other types of refuse are disposed of separately, separate containers are required.

### Section 3-5. Stacking.

All lumber or other building materials or articles stored on the premises must be stacked on racks at least 18 inches above the floor or ground level.

<u>Underlined</u>	:	Indicate matter added to existing law	Page 2 of 6
[Brackets]	:	Indicate matter deleted from existing law	
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A. All residents of the Town of Cottage City are hereby authorized to deposit, on the public right-of-way, at the curb line or property line, easily accessible from the street, where normal trash pickup occurs by the designated contractor of Cottage City nearest their residence, certain items hereinafter specified on the day designated by the Commissioners of the Town of Cottage City as the Bulky Trash Collection Day, provided that a request as required by the Town is timely made. The items permitted to be deposited as bulky trash shall include those items used in the residence and yard. It may not include debris from renovation or construction activities of any kind, building parts, nor automobile parts. No more than four (4) items may be placed out on any single bulky trash collection day and all materials shall be appropriately bagged, boxed or bundled to facilitate easy collection, by which is meant, for example, that bushes or branches except for household Christmas trees shall be cut to length of no more than four (4) feet and tied into a bundle easily handled by one person. However, any single large object, as for example a heavy chair or sofa, may be placed out without breaking it into pieces or bagging or bundling it in any way. Items to be collected shall be placed prior to 6:00 A.M. on the scheduled collection day but not prior to 2:00 P.M. of the day preceding the day designated by the commissioners of the Town of Cottage City as bulky trash collection day. Any resident desiring to place out earlier than the above time must apply to the ~~[commissioners of]~~ Town Manager of Cottage City for such permission. The Town Manager ~~[commissioners]~~ may only grant such permission after considering the special circumstances put forward by the resident or owner and weighing that against the Town's interest in having the Town free of trash and debris on public property. ~~[The decision of the Town commissioners is final.]~~

B. At no time is it permissible to empty the complete contents of a house for bulky trash collection. In those instances where residents are either moving in or out of town, and have more than four (4) items allowed under bulky trash collection, or more than normally would be put out on a regular trash collection day as under this Chapter, such trash shall be removed by the residents or owners of the property at their expense. The use of the town truck in these instances is permissible provided the residents or owners of the property pay required rental and tipping fees ~~[all associated expenses with the removal of trash]~~ and they load the truck.

#### Section 3-11. Trash Pickup for Apartments, Condominiums, and Commercial Enterprises.

Except for Hamlet Park Condominiums, ~~[All]~~ all apartment dwellings, condominiums and other commercial enterprises located within the corporate limits of the Town of Cottage City shall make separate and distinct arrangements for their own garbage and refuse disposal from that afforded the occupants of single family dwellings. Unless other provisions reasonably acceptable to the Town are made. All such garbage and refuse for multi-family dwellings and condominiums and commercial enterprises must be placed in dumpsters or similar containers and such containers/dumpsters shall be fully enclosed and screened from public view.

#### Section 3-12. Leaf Pickup.

All residents of the Town of Cottage City are hereby authorized to deposit leaves from their property onto the public property where trash pickup normally occurs by the designated